

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**JOINTLY PROPOSED AGENDA
FOR THE JANUARY 14, 2015 STATUS CONFERENCE**

The Plaintiffs' Steering Committee, Official Creditors' Committee, and Trustee jointly propose the following agenda for the January 14, 2015 status conference. All defendants whose counsel filed notices of appearance in the MDL have been given an opportunity to comment on this proposed agenda.

A. Motions for which oral argument is requested.¹

1. Ascension Parties' Motion to Certify Dismissal Pursuant to F.R.C.P. 54(b) [Dkts. 1521, 1522]
 - a. PSC's Opposition to Ascension's Motion for Fed. R. Civ. P. 54(b) Certification [Dkt. 1568]
2. Plaintiffs' Steering Committee's Objections to Magistrate Judge Boal's Order Denying its Motion to Compel Production of Insurance Agreements [Dkt. 1618] (*Request for oral argument by Plaintiffs' Steering Committee*)
 - a. St. Thomas Entities Opposition [Dkt. 1622]
3. Liberty Industries, Inc. Motion for Reconsideration of the Court's Memorandum of Decision Dated December 23, 2014 Denying Liberty Industries Inc.'s Motions for Summary Judgment [Dkt. 1619] (*Request for oral argument by Liberty Industries, Inc.*)
 - a. PSC Opposition [Dkt. 1627]

¹ These motions are also identified in the Plaintiffs' Steering Committee's Motion to Schedule Oral Argument on Certain Motions, Jan. 8, 2015 [Dkt. 1628].

B. Report to the Court.

1. Status of mediation efforts [Mediation Order, Dkt. 394]
2. Status of insurance declaratory actions:
 - a. *Certain Underwriters at Lloyd's, London v. Ameridose et al.*, 1:13-cv-12609-FDS; *Ironshore Specialty Ins. Co. v. Ameridose et al.*, 1:13-cv-13000-FDS
 - i. Hearing and status conference on plaintiffs Lloyds and Ironshore request for stay scheduled for February 2, 2015, 3:00 PM
 - b. *Great American E&S Ins. Co. v. Liberty Industries, Inc.*, 3:14-cv-00499-VLB
 - i. Great American Motion for Summary Judgment filed November 7, 2014 [Great American Dkt. 22, 23, 25]
 - ii. Order Granting Liberty Motion for Extension of Time to Respond to Summary Judgment until January 28, 2015 [Great American Dkt. 29]
3. Status of discovery
 - a. PSC Motion to Compel St. Thomas Entities to Respond to Certain Interrogatories and Corrected Declaration of Benjamin A. Gastel [Dkts. 1549, 1550, 1551, 1555]
 - i. Joint Stipulation for Extension for St. Thomas to Respond until January 7, 2015 [Dkt. 1607]
4. Status of litigation track
 - a. Appointment of Pro Se Liaison
 - b. Electronic Order of Judge Boal [Dkt. 1594] in response to PSC's letter inquiries regarding Special Master appointment [Dkts. 1531, 2531, 1591]
 - c. Premier Defendants Assented-To Motion to Allow Master Answers [Dkt. 1535]
 - i. Premier Defendants Master Answers [Dkt. 1541]
5. Status of bankruptcy
6. Status of appeals
7. Schedule for future status conferences
 - a. Hearing and Status Conference scheduled for Tuesday, February 17, 2015, before Judge Boal, at 11:30 AM and Judge Zobel, at 2:00 PM

C. Fully-briefed motions.

8. PSC Motion for Entry of Case Management Order Regarding Virginia Matters [Dkt. 1188]
 - a. Insight's Opposition to Motion for Order [Dkt. 1256]
 - b. PSC Reply [Dkt. 1289]
 - c. PSC Supplemental Memorandum [Dkt. 1311]
 - d. PSC Exhibit [Dkt. 1318]
9. Motions for extension of time / briefing schedules
 - a. Assented-To Motion to Stay Responsive Pleading Deadlines in Case No. 1:14-cv-13027 [Dkt. 1576]
10. Motions to dismiss in *Luna-Wynstock v. Ameridose*, 1:14-cv-12884 (*stayed by order of the Court*)
 - a. Encino Outpatient Surgery Center, Inc. Motion to Dismiss for Lack of Jurisdiction and Insufficient Service of Process [*Luna-Wynstock* Dkt. 22]
 - i. Plaintiffs' Opposition [*Luna-Wynstock* Dkt. 30]
 - ii. Encino Reply [*Luna-Wynstock* Dkt. 33]
 - iii. Ameridose Joinder to Plaintiffs' Supplemental Opposition [*Luna-Wynstock* Dkt. 40]
 - iv. Plaintiffs' Sur-Reply [*Luna-Wynstock* Dkt. 41]
 - b. Glaser Motion to Dismiss [*Luna-Wynstock* Dkts. 27, 28, 29]
 - i. Plaintiffs' Opposition [*Luna-Wynstock* Dkt. 34]
 - ii. Glaser Reply [*Luna-Wynstock* Dkt. 36]
 - iii. Plaintiffs' Sur-Reply [*Luna-Wynstock* Dkt. 37]
 - iv. Ameridose Joinder to Plaintiffs' Supplemental Opposition [*Luna-Wynstock* Dkt. 40]
11. Plaintiffs' motions for consolidation [*Montee v. Ameridose*, Dkt. 37, 13-cv-12657; *Carter v. Ameridose*, Dkt. 27, 13-cv-12187; *Patel v. Ameridose*, Dkt. 25, 13-cv-12061; *Seiber v. Ameridose*, Dkt. 28, 13-cv-11868]
 - a. Defendants oppositions to consolidation [*Carter* Dkt. 28, *Patel* Dkt. 26, *Seiber* Dkt. 29]

D. Briefing in progress.

12. Insight's Motion to Strike Eighteen State Court Orders as Void ab initio [Dkt. 1284, 1285]
 - a. Roanoke Gentry Locke Plaintiffs' opposition [Dkt. 1326]
13. Dispositive Motions:
 - a. Cincinnati Pain Management Consultants Motion to Dismiss [Dkt. 1013, 1014]
 - i. Plaintiffs' Opposition [Dkt. 1493]
 - b. UniFirst Motion to Dismiss [Dkt. 1050, 1051, 1052]
 - i. PSC Motion for Leave to File Amended Complaint Re UniFirst (forthcoming)
 - c. Image Guided Pain Managements Motion for Judgment on the Pleadings [Dkts. 1361-1391]
14. Insight Health Corp.'s Motion for Reconsideration and Leave to Amend Responses to Request for Admission and to Supplement Motion for Reconsideration of Partial Summary Judgment [Dkt. 1281 and 1282]
 - a. Roanoke Gentry Locke Plaintiffs' Opposition to Motion for Reconsideration [Dkt. 1327]
15. ARL Biopharma, Inc.'s Motion for Entry of an Order Limiting Discovery and Stay in These Proceedings with Respect to Movant and Related Settling Parties [Dkt. 1620, 1621]
 - a. Trustee and Creditors' Committee Joint Joinder [Dkt. 1630]
 - b. PSC Joinder [Dkt. 1631]

Dated: January 9, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the above Jointly Proposed Agenda for the January 14, 2015 Status Conference to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: January 9, 2015

/s/ Kristen A. Johnson
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